

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-8 are pending in the application, and are amended by the present amendment. Support for amended independent Claims 1, 6 and 8 can be found in the original specification, claims and drawings.<sup>1</sup> Pending dependent Claims 2-5 and 7 are amended to recite language consistent with the language of the independent claim from which it respectively depends. No new matter is presented.

In the outstanding Office Action Claims 1-8 were rejected under 35 U.S. C. § 112, first paragraph; Claims 1, 3, 4, 6, and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Kusaba et al. (U.S. Patent No. 6,510,556, hereinafter Kusaba) in view of Cao (U.S. Patent No. 6,782,550) and Garrity et al. (U.S. Patent No. 6,230,205, hereinafter Garrity); and Claims 2, 5, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kusaba, Garrity, and Cao, and in view of Trewitt et al. (U.S. Patent No. 6,134,531, hereinafter Trewitt).

The outstanding Official Action rejected Claims 1-8 under 35 U.S. C. § 112, first paragraph, citing the recitation of “said processing server being a separate device and separated from said reservation control apparatus by the network,” in independent Claims 1, 6 and 8. While Applicants submit that the present specification and drawings provide support for such a feature (Fig. 1 and corresponding description), this feature is omitted from the claims for purposes not related to patentability.

Accordingly, Applicants submit that the rejection of Claims 1-8 under 35 U.S. C. § 112, first paragraph, is hereby rendered moot.

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<sup>1</sup> e.g., specification, at least at Figs. 1 and 37.

Claims 1, 3, 4, 6, and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Kusaba in view of Cao and Garrity. Applicants respectfully submit that amended independent Claims 1, 6 and 8 state novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 relates to a method of reserving and accessing resources in a distribution server. As depicted in an exemplary, non-limiting embodiment at Fig. 1, and the flowcharts of Figs. 21, 25 and 37, a user terminal apparatus (e.g., user PC 106) transmits a reservation request (including a desired service time) to distribute contents using a distribution server via a first network (e.g., Internet 103) to a reservation control apparatus (e.g., server reservation control center 101). The reservation control apparatus determines if such a reservation may be accepted, and sends a current time reference to the user terminal apparatus, and informs the user terminal apparatus whether contents may be distributed during the desired service time. The user terminal apparatus then transmits content to the distribution server via a second network (e.g., dedicated server connection network 108), and the content is broadcast by the distribution server over the first network (e.g., Internet 103).

By adopting such a reservation system for live distribution, it is possible for many users of the distribution server to effectively distribute content. Each user terminal apparatus must reserve its distribution time slot in advance by accessing the reservation control apparatus, thereby more efficiently using the resources of the content distribution server for effective distribution of content (e.g., live streaming video from the user terminal apparatus, for example). Further, the use of a dedicated second network, allows the user terminal apparatus to more efficiently send content data to the distribution server without having to send the content over the first network used for reservation information, and the like.

The requirements for a *prima facie* case of obviousness are (1) there must be some suggestion or motivation of the references themselves or in the knowledge generally available

to one of ordinary skill in the art to modify the references or to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference must teach or suggest all of the claim limitations. It is respectfully submitted that the applied references fail to make a *prima facie* case of obviousness, because none of the applied references, alone or in combination, teach or suggest all of the features recited in the amended independent claims.

Amended Claim 1, recites, *inter alia* a method of reserving an access and resource in a distribution server, comprising:

... sending reservation request information ... from a user terminal apparatus to a reservation control apparatus *via a first network*, said reservation control apparatus determining if the reservation request for distributing content using said distribution server during said desired service supply time period will be accepted...

transmitting content from the user terminal apparatus to the distribution server *via a second network* during said desired service time; and

*broadcasting, by the distribution server, said content data received from said user terminal apparatus via said first network.*

Amended independent Claims 6 and 8, while directed to alternative statutory embodiments, recite substantially similar features.

Turning to the applied references, Kusaba describes an on-demand communication system including a multimedia server, which is connected to a plurality of clients via a network and which is capable of distributing multimedia content based on a reservation received from one of the client devices.<sup>2</sup> In Kusaba's system, a multimedia transmission request is sent from a personal computer (123) to a scheduler (105) via a network.<sup>3</sup> The information is processed by the scheduler, and the user is then able to schedule the distribution of content from the server on a predetermined channel at a predetermined time. Thus, Kusaba describes a content distribution system in which a user is able to schedule, or

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<sup>2</sup> Kusaba, Abstract.

<sup>3</sup> Id., col. 4, lines 7-63.

request, specific content to be distributed from the server device to the client terminal at a predetermined time.

Such a system is in clear contrast to the method recited in amended Claim 1. As recited in amended Claim 1, a user terminal apparatus sends a reservation request to a reservation control apparatus to access a distribution server at a requested time. During the requested time, *content is transmitted from the user terminal apparatus to the distribution server, which then broadcasts the content from the distribution server over the network.* Thus, the reservation is made by the user terminal apparatus to access a distribution server at a specified time to *transmit content to the distribution server, which then broadcasts the content over a network.*

In contrast, Kusaba describes that the personal computer (123) of his device schedules a time to receive multimedia content distributed from the video server (101), at a predetermined, or prescheduled time. Thus, Nakamura fails to teach or suggest performing the steps recited in amended Claim 1, to reserve a “desired service” time during which a user terminal apparatus transmits content data *to* the distribution server which broadcasts the data over a network.

Further, Kusaba fails to teach or suggest the use of a first network for exchanging reservation and time information, and the use of a second network to send content from the user terminal apparatus to the distribution server, also a feature recited in amended independent Claim 1.

Turning to the secondary reference, Garrity describes method for managing the delivery of data in an communication system. Specifically, Garrity describes that a plurality of content providers (102, 104, 104) transmit data, or content, to target users (108-134) via an operations center (136).<sup>4</sup> Thus, Garrity describes that the operations center (136) operates as

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<sup>4</sup> Garrity, Fig. 1, and col. 3, lines 33-50.

the scheduler (210), video server (208) and gateway to send data from the content providers to the target users.<sup>5</sup>

Garrity, however, as clearly depicted in Fig. 1, fails to teach or suggest “sending reservation request information ... from a user terminal apparatus to a reservation control apparatus *via a first network*,” “transmitting content from the user terminal apparatus to the distribution server *via a second network*,” and “*broadcasting, by the distribution server, said content data received from said user terminal apparatus via said first network.*”

As discussed at col. 3, lines 51-54, Garrity’s invention is directed to transmitting data through a satellite network, and therefore only includes a single network link from the user terminals (e.g., content providers) to the operations center. Thus, the system makes a reservation and transmits data over the same network, which is in clear contrast to amended Claim 1 that clearly recites that reservation information is sent *via a first network*, and content is transmitted from the user terminal to the distribution *via a second network*.

Further, as Cao is relied upon only to address the time feature, and describes a video distribution similar to Kusaba, this reference also fails to teach or suggest the above-distinguished features recited in amended independent Claim 1.

Thus, none of Kusaba, Garrity nor Cao, alone or in combination teach or suggest the above differentiated features recited in amended Claim 1.

Accordingly, Applicant respectfully requests the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. For substantially the same reasons as given with respect to amended Claim 1, it is also submitted that amended independent Claims 6 and 8 patentably define over the applied references.

Claims 2, 5, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kusaba, Garrity, and Cao, and in view of Trewitt.

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<sup>5</sup> Id., col. 3, line 58-col. 4, line 13.

As discussed above, none of Kusaba, Garrity nor Cao, alone or in combination teach or suggest the above differentiated features recited in the pending independent Claims.

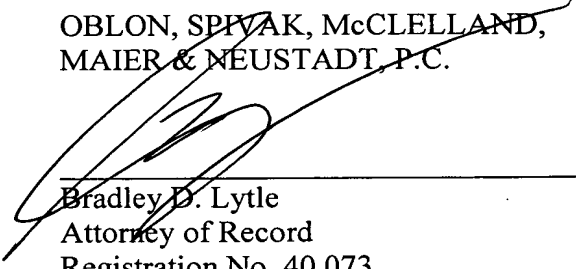
Likewise, Trewitt fails to remedy these deficiencies, and therefore, none of the cited references, neither alone or in combination, teach or suggest Applicant's Claims 2, 5 and 7, which include the above noted features by virtue of dependency.

Accordingly, Applicants respectfully request that the rejection of Claims 2, 5, and 7 were rejected under 35 U.S.C. §103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted in the invention defined by Claims 1-8 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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